

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CURTIS ROBINSON,

Petitioner,

06-CV-859T

v.

ORDER

JAMES T. CONWAY,

Respondent.

By Decision and Order dated February 12, 2010, I denied petitioner Curtis Robinson's petition for a writ of Habeas Corpus. On March 31, 2010, petitioner simultaneously filed an Appeal of this Court's denial of his petition, and a motion for permission to file a late notice of appeal. By Order dated May 6, 2010, I denied without prejudice petitioner's request to file a late notice of appeal, and allowed the petitioner the opportunity to show good cause or excusable neglect for failing to file the notice of appeal in a timely manner. See Fed. R. App. P. 4(a)(5)(A), ("the district court may extend the time to file a notice of appeal if: (I) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and (ii) that party shows excusable neglect or good cause.")

On June 15, 2010, petitioner, who is currently incarcerated, filed a response to the court explaining that he has limited access to a law library, and was confused with respect to the Court's deadlines and procedures. Lack of understanding of the Courts'

procedural rules, however, does not constitute good cause or excusable neglect. See Houston v. Lack, 108 S.Ct. 2379, 2382, (1988), (pro se litigants generally are required to inform themselves regarding procedural rules and to comply with them); Edwards v. I.N.S., 59 F.3d 5 (2nd Circ. 1995). Similarly limited access to a law library is not a sufficient reason for failing to file the required notice of appeal in a timely matter.

For the reasons set forth above, I deny the petitioner's request to file a late notice of appeal.

ALL OF THE ABOVE IS SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESCA
United States District Judge

Dated: Rochester, New York
August 19, 2010